

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NEW YORK CITY DISTRICT
COUNCIL OF CARPENTERS
PENSION FUND, et. al.,

Plaintiffs,

v.

MICHAEL FORDE,
MICHAEL BRENNAN, et. al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/17/11

Civil Action No. 11-CIV-5474

DEFENDANT'S MOTION FOR ENLARGEMENT OF TIME
IN WHICH TO FILE ANSWER OR RESPONSIVE PLEADING LATE

DECLARATION AND AFFIRMATION

Michael Brennan, Pro-Se Defendant, hereinafter
("Defendant"), declares and affirms under penalty of perjury,
pursuant to 28 U.S.C. § 1746, that the following is true.

MOTION FOR ENLARGEMENT OF TIME

Now comes the Defendant in the above entitled matter and
asks this Honorable Court for permission to file a response to
this civil suit No. 11-CIV-5474 late, for the reasons set forth
below and in the attached Affidavit in support thereof.

First, the Defendant is not educated in the field of law. He has never attended law school, has no formal training in the law, is unfamiliar with the procedures of litigation and is not an attorney. Defendant is incapable of litigating this case without the assistance of a capable inmate versed in the law or outside legal counsel.

This summons is dated August 5, 2011, but Defendant was not served until September 27, 2011.

The Defendant needs time to review said complaint and file a responsive pleading in compliance with the rules of this Court, worthy of this Court's review, to seek out legal counsel or attempt to educate himself with the proper procedure in which he can respond.

WHEREFORE the Defendant requests an extension of time of approximately thirty (30) days, until December 1, 2011 in which to file his responsive pleading or answer.

Dated: October 10, 2011

Respectfully submitted,



Michael Brennan
Pro-Se Defendant
Reg. No. 62582-054
L.S.C.I., Allenwood
Post Office Box 1000
White Deer, PA 17887-1000

PROOF OF SERVICE

Michael Brennan, Pro-Se Defendant declares and affirms under penalty of perjury, pursuant to 28 U.S.C. § 1746 that he did serve a true and correct copy of Defendant's Motion For enlargement Of time In Which To file answer Or Responsive Pleading Late and accompanying Affidavit In Support on Plaintiff's attorney, Harlan J. Silverstein, Esq. by placing said papers in an envelope with Pre-Paid United States First Class Postage affixed addressed to Harlan J. Silverstein, Esq., Kauff McGuire & Margolis LLP, 950 Third Avenue, Fourteenth Floor, New York, New York, 10022 this 12 day of October, 2011 and depositing same in the inmate mail system at Low Security Correctional Institution, Allenwood, Post Office Box 1000, White Deer, Pennsylvania 17887-1000.

SERVED ON:

Harlan J. Silverstein, Esq.
Kauff McGuire & Margolis LLP
950 Third Avenue
Fourteenth Floor
New York, New York 10022

Dated: October 12, 2011

X 
Michael Brennan

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NEW YORK CITY DISTRICT
COUNCIL OF CARPENTERS
PENSION FUND, et. al.,

Plaintiffs,

v.

Civil Action No. 11-CIV-5474

MICHAEL FORDE,
MICHAEL BRENNAN, et. al.,

Defendants.

AFFIDAVIT OF MICHAEL BRENNAN

DECLARATION AND AFFIRMATION

Michael Brennan, Pro-Se Defendant/Affiant declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct.

AFFIDAVIT

1. I was served with a summons by New York City District Carpenters Union Pension Fund on September 27, 2011. The Summons was issued August 5, 2011.
2. I am uneducated in the field of law, and thought this matter was behind me with my plea.

3. The library at Allenwood has limited hours for myself, as an incarcerated Federal inmate research material for filing an appropriate responsive pleading.
4. The library staff is not capable of assisting any inmates with how to operate the research computer, nor any other aspects of the required research.
5. I am disabled, and walk with a cane, my mobility is impaired, especially in bad weather in getting to the law library, further restricting the hours available to me in order to do the necessary work required.
6. I have to educate myself with civil law and the issues regarding said case.
7. This case is a complicated matter with fifteen (15) Plaintiffs, and over fifteen (15) defendants, including myself, so there is research needed to be done with regard to this Defendant's anticipated Motion To Dismiss, Motion For More Definite Statement and Motion To Strike, as is or may be necessary.
8. All parties would be best served if Defendant is given sufficient time to research and fully brief the legal issues for the contemplated responsive motions.
9. It is now apparent that in spite of Defendant's best efforts, it is simply impossible to complete a good faith responsive pleading within the allotted

time.

10. This Honorable Court has the authority to extend the time for filing a responsive pleading pursuant to Rule 6(b)(1), F.R.C.P.

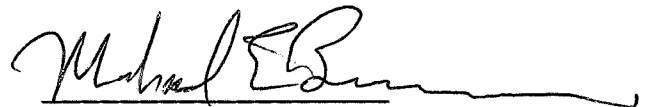
11. Under the circumstances, it is just and equitable that Defendant have an enlargement of time until December 1, 2011, to conduct the necessary extensive research and draft, copy, serve and file the papers in this case.

12. There is no evidence of an opposition to this Court's granting the enlargement of time and postponing the deadline to file a responsive pleading.

13. The delay sought will not jeopardize the Court's schedule nor work any prejudice on any party. This Affidavit and attached Motion has been made at the earliest possible opportunity.

FURTHER AFFIANT SAYETH NAUGHT.

Date: October 12, 2011



Michael Brennan